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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003140

SIPDIS

E.O. 12958: DECL: 12/03/2019

TAGS: PGOV KDEM I2

SUBJECT: ELECTION LAW UPDATE: ALL ENGAGED, SUPREME COURT
BUYS TIME FOR POLITICAL DEAL

REF: A. BAGHDAD 3134

IB. BAGHDAD 3051

Classified By: Political Counselor Yuri Kim for Reasons 1.4 (b, d)

I1. (C) SUMMARY: With the arrival in Baghdad of Kurdish negotiators, all parties are now present and engaged in discussions aimed at reaching agreement on an election law before December 6, by which time the Presidency Council must either accept or veto the law approved by the Iraqi parliament on November 23. Prime Minister Maliki, who had recently spoken with KRG President Masoud Barzani, and President Talabani told Charge that they expected an agreement within the next few days. END SUMMARY.

CAUTIOUS OPTIMISM FROM ALL SIDES

I2. (C) Consistent with Kurdish assurances received yesterday (ref A), contacts have confirmed that Kurdish Alliance leader Fuad Masum, accompanied by a small "technical" delegation, arrived in Baghdad the afternoon of December 3 to negotiate a final political deal on the elections law. Masum reportedly comes with undisclosed marching orders from Kurdistan Regional Government (KRG) President Masoud Barzani. He is to meet with President Talabani and other Kurdish leaders in Baghdad tonight.

I3. (C) In a meeting December 3 with Charge and CG General Odierno, Iraqi President Talabani expressed optimism that a final consensus agreement was within reach and said that he expected a resolution of outstanding issues within the next two days. Deputy PM Rafia al-Issawi and Shia intermediary Hadi al-Amiri were similarly upbeat on the prospects for an agreement "soon" in talks with PolCouns the previous evening.

In a separate meeting with Charge on December 3, PM Maliki appeared confident that the election law saga would finally come to a successful end. Maliki said he had recently spoken to Barzani and that they had agreed on the approach to be taken in reaching a compromise deal. (Note: It is uncertain whether Maliki meant the framework for negotiations or the election law proposal brokered by Amiri. Some reports indicate that Maliki may resist conceding parliamentary seats to Kurdish governorates much beyond the two seats identified in the Amiri proposal. End Note.) (Note: SRSG Ad Melkert was scheduled to meet with Barzani this afternoon; no readout is yet available on their talks. End Note.)

SUPREME COURT EXTENDS VETO DEADLINE

I4. (C) In a welcome development, the Federal Supreme Court (FSC) issued an advisory opinion this afternoon, in response to a request from Council of Representatives Speaker Samarraie (ref A), stating that the 10-day review period for the exercise of a Presidency Council veto of the November 23 electoral law amendment should be extended from December 4 until December 6. The Court reasoned that the two-day extension was legally warranted since December 4 and 5 were

both official state holidays marking the Eid al-Adha. Vice President Hashimi's Director General told Poloff following the Court opinion that the VP would now hold off deciding on a veto until December 6 in order to allow the parties more time to come to an electoral agreement. He also said that Hashimi had requested a meeting with President Talabani.

COMMENT

¶5. (C) The FSC's opinion buys more time for a political deal, but the extended deadline for a possible Hashimi veto still falls two days before the COR is scheduled to reconvene on December 8. The Embassy will continue to track developments closely and engage officials as necessary. While Masum apparently has authority to speak for the Kurds, two factors apparently has authority to speak for the Kurds, two factors may restrain quick approval from Erbil of a deal. First, due to the evolving internal Kurdish political dynamic (ref B), Masoud Barzani may be more reluctant to make a solo decision on such a controversial issue as he feels more exposed to potential criticism. Barzani will want to secure buy-in from others lest he be accused of giving away "Kurdish seats." Second, as reported previously, many in the KRG leadership see this dispute as more than a fight over a few additional seats in the COR. Rather, they cast the current negotiations in existential terms, arguing that the balance of seats -- and the Arabs' willingness to treat the Kurds "fairly" -- will determine much about the Kurds' future as part of Iraq. Offsetting these potential obstacles to a deal is the realization by all parties, including the Kurds, that they will need each other after the elections in their efforts to shape the next government. The Kurds will want to be on good

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terms with members of the coalition that forms the majority in the next COR, while Shia and Sunni political parties are keenly aware of the role of the Kurds as likely "king makers" in establishing the new government and choosing top officials. For that reason, all three sides may find it ultimately in their interest to reach accommodation before resentment and dysfunction set in. END COMMENT.

FORD